

CCS SS SCS HCS HB 117 -- INITIATIVE AND REFERENDUM PETITIONS

This bill changes the laws regarding initiative and referendum petitions. In its main provisions, the bill:

- (1) Requires a petition circulator to swear or affirm under penalty of perjury that he or she has never been convicted of, found guilty of, or pled guilty to any offense involving forgery and that he or she is at least 18 years old and to disclose if he or she is a paid or unpaid volunteer and if paid, to list the payer;
- (2) Specifies that a petition circulator is deemed registered at the time he or she delivers a signed circulator's affidavit to the Office of the Secretary of State;
- (3) Prohibits an individual who has been convicted of, found guilty of, or pled guilty to an offense involving forgery in Missouri or an offense involving forgery under the laws of any other jurisdiction if the offense would be considered forgery under this state's laws from qualifying as a petition circulator;
- (4) Specifies that a person commits the crime of petition signature fraud, a class A misdemeanor, if he or she intentionally submits petition signature sheets with the knowledge that the person whose name appears on the sheet did not actually sign the petition, causes a voter to sign a petition other than the one he or she intended to sign, forges or falsifies signatures, knowingly accepts or offers money or anything of value to another person in exchange for a signature on a petition, or knowingly causes a petition circulator's signatures to be submitted for counting and knows that the circulator has violated specified violations or causes the signatures to be submitted with reckless indifference as to whether the circulator has complied with specified provisions related to signature fraud after receiving notice of facts indicating that the person may have violated specified provisions;
- (5) Specifies that any person employed by or serving as an election authority who has reasonable cause to suspect that a person has committed petition signature fraud must immediately report or cause a report to be made to the appropriate prosecuting authorities. Failure to report or cause a report to be made will be a class A misdemeanor;
- (6) Allows a person who submits a sample sheet to or files an initiative petition with the Secretary of State to withdraw the petition upon written notice to the Secretary of State and requires the Secretary of State to vacate the certification of the official ballot title within three days of receiving the notice;

(7) Requires the Joint Committee on Legislative Research to hold a public hearing in Jefferson City within 30 days of the certification that a petition contains a sufficient number of valid signatures to take public comment concerning the proposed measure. The meeting must be a public meeting under the Open Meetings and Records Law, commonly known as the Sunshine Law. Within five business days after the end of the hearing, the committee must provide a summary of the hearing to the Secretary of State or his or her designee and the Secretary of State must post a copy of the summary on its website;

(8) Requires an action challenging the official ballot title or the fiscal note of a proposed constitutional amendment to be adjudicated within 180 days of filing unless a court finds good cause to extend the period. Good cause can only consist of court-related scheduling issues and cannot include requests for continuance by the parties;

(9) Requires the person submitting a sample sheet to submit a copy of the filed statement of committee organization required under Section 130.021, RSMo, showing the date that the statement was filed if a committee or person other than the individual submitting the sample sheet is funding any portion of the drafting or submitting of the sample sheet;

(10) Requires the Secretary of State to conspicuously post on its website, within two business days of receipt of any sample sheet, the text of the proposed measure, a disclaimer stating that the text may not constitute the full and correct text, and the name of the person or organization submitting the sample sheet. Failure to post will be an open record violation under Chapter 610. The posting must be removed within three days of the withdrawal or the rejection of a petition. Currently, the Secretary of State must send written notice to the person who submitted the petition sheet of its approval or rejection within 30 days after submission of the petition sheet. The bill changes the notification to within 15 days;

(11) Specifies that if the petition form is approved, the Secretary of State must make a copy of the sample petition available on its website. The Secretary of State must accept public comments regarding the proposed measure for 15 days after the petition is approved as to form and provide copies of the comments upon request. Currently, the Secretary of State must prepare and transmit a summary statement of the measure to the Attorney General within 10 days of the approval of the petition form. The bill requires the Secretary of State to prepare and transmit the summary statement within 23 days of receipt of the

approval; and

(12) Requires signatures for statutory initiative petitions to be filed no later than six months prior to the general election during which the petition's ballot measure is submitted for a vote and to be collected no earlier than the day after the day upon which the previous general election was held.

The provisions of the bill become effective November 4, 2014, except for those related to the crime of petition signature fraud which become effective August 28, 2013.

The bill contains a severability clause and if any provision of the bill is found to be unconstitutional, the remaining provisions will remain valid with specified exceptions.